

## REMARKS

This application has been reviewed in light of the Office Action dated January 19, 2005. Claims 3-6, 9-12, 15-18, and 21-40 are presented for examination. Claims 2, 8, 14 and 20 have been canceled, without prejudice or disclaimer of subject matter, and their recitations incorporated into new Claims 37-40. Claims 3, 9, 15, and 21 the independent claims, have been amended to define still more clearly what Applicants regard as their invention. Claims 4-6, 10-12, 22-24, 26, and 27 have been amended as to matters of form, to ensure consistency of terminology, and/or correct claim dependency. Claims 29-36 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

Claims 3, 7, 9, 15, 21, and 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,666,159 (*Parulski et al.*), in view of U.S. Patent No. 5,909,648 (*Boudreaux et al.*); and Claims 4-6, 10-12, 16-18, and 22-24 were rejected under Section 103(a) as being unpatentable over *Parulski et al.* in view of *Boudreaux et al.* and further in view of U.S. Patent No. 5,806,005 (*Hull et al.*).

As shown above, Applicants have amended independent Claims 3, 9, 15, and 21 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

As is described in the specification, the present invention concerns technology for radio transmission of image data that have been obtained by means of an image pick-up process, such as digital photography. One feature disclosed in the present

application is that of making a break in communication between a source of an image and a transmission destination, after the lapse of a predetermined time period from when the image pickup operation is completed or the transmission of the pickup image is completed.

The aspect of the present invention set forth in Claim 3 is a communication device connected to an image pickup unit for photographing a subject. The device includes an input unit adapted to input images from the image pickup unit, a communicative unit adapted to transmit the pickup images inputted by the input unit to a transmission destination in communication therewith, and a control unit adapted to start an operation of the communicative unit in response to the image pickup operation of the image pickup unit. The control unit controls the communicative unit so as to make a break in communication with the transmission destination after a lapse of a predetermined time period from the time when the transmission of the pickup image is completed.

Among other notable features of Claim 3 is that the control unit controls the communicative unit so as to make a break in communication with the transmission destination after a lapse of a predetermined time period from the time when the transmission of the pickup image is completed.

The Office Action correctly concedes that *Parulski et al.* fails to teach the control means controlling to break communication.

For at least this reason, Applicants submit that Claim 1 is clearly patentable over *Parulski et al.*, taken alone.

The Office Action cites *Boudreaux et al.* as remedying the deficiencies of *Parulski et al.*

*Boudreaux et al.* relates to a network interface arranged to terminate a connection between two parties, connected to two networks (e.g., a mobile unit and another unit), that are in communication with each other, when one of the parties requests disconnection. The interface does not effect the termination of communication, however, until it has determined that no buffered data is awaiting transfer to the other party, and if such data does exist, it is sent on to the latter party, and only then is disconnection performed (see Figs. 2B and 2C, and col. 3, lines 20-60). In the passage specifically cited in the Office Action, the mobile switching center ("MSC") 140 is described as completing its call clearing process, and sending a message IWF-Release-Request message toward the network-side party ("NSP"), which among other things is a notification to the latter side that any data remaining for transfer to the other party, must now be forwarded. Before this message is sent, the MSC sets a timer  $T_{iwf-rel}$ . If no response has been received by the time this timer expires, the timer is re-set, and the MSC repeats its dialog (col. 3, lines 46-48). If no response has been received by the second timing out, the call is immediately terminated, and the call is cleared, with an error status (col. 3, lines 48-51).

Applicants submit that, even assuming this feature could properly be combined with *Parulski et al.*, the result would not meet the terms of Claim 3. The timer  $T_{iwf-rel}$  does not time out at a predetermined time period after completion of transmission, but rather times out at any of several possible timings relative to completion of transmission. If no response is received to the message that is sent by the MSC 140 just after the initiation of this timer, and no response is received after the resetting of the timer, then the connection is ended at approximately twice the duration timed by this timer. If on the other hand, a response is received, before resetting of the timer, and the content of the

response is that no remaining data needs to be flushed from the buffer, then the connection is terminated even before the timer has timed out once. If the response is received that data does remain in the buffer, then the connection is not terminated, but rather is maintained to permit the flushing of that data. Accordingly, even if the proposed combination of *Boudreaux et al.* with *Parulski et al.* is made, the result would not make a break in communication after a lapse of a predetermined time period after completion of transmission, as recited in Claim 3, but rather would use a timer to determine whether there is more data still to be forwarded to the destination side, and if so would prolong the connection to permit flushing of that data.

Further, in the Response To Arguments section of the Office Action, the Examiner distinguishes between the phrases “lapse of a given time” (as previously recited in Claim 3) and “a single predetermined time period” (similar terminology as is currently recited in Claim 3). Because *Boudreaux et al.* breaks communication after differing time periods and not after a predetermined time period, as is currently recited in Claim 3, Applicants submit that Claim 3 is clearly patentable over *Boudreaux et al.*

Thus, even assuming for argument’s sake that the proposed combination of *Parulski et al.* and *Boudreaux et al.* would be proper, the result would not meet terms of Claim 3, and thus that claim is believed clearly to be allowable over *Parulski et al.* and *Boudreaux et al.*, taken separately or in any permissible combination.

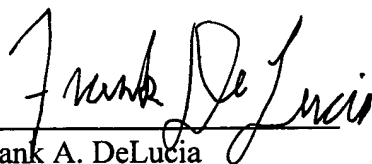
Each of the other independent claims contains recitations similar to those of Claim 3 and discussed above, and each is also considered to be allowable at least by virtue of the arguments presented above in connection with Claim 3.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank DeLucia", written over a horizontal line.

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